



Module 8: Section 4(f) and 6(f)

- 1 Explain what the Section 4(f) statute prohibits
- 2 Define a Section 4(f) property
- 3 Define the key terms associated with Section 4(f) properties
- 4 Define the term *use* as it applies to Section 4(f)
- 5 Explain how the exceptions to the requirement for Section 4(f) approval found in 23 CFR 774.13 are applied
- 6 Compare and contrast De minimis Impact Findings, Programmatic Section 4(f) evaluations, and Individual 4(f) evaluations
- 7 Describe the Section 4(f) consultation process and documentation requirements for each type of Section 4(f) approval
- 8 Describe Section 6(f) and other federal grant programs and associated requirements



Length of training module: Approximately 25 minutes.



The topics of Section 4(f) and 6(f) are part of a course covering the requirements for preparing and processing environmental documentation under the NEPA Assignment Program. Keep in mind that the information presented here is intended to be used in conjunction with the *Alaska Department of Transportation and Public Facilities Environmental Procedures Manual*, which serves as a reference and the source material for this online version.

This module will provide you with an overview of the DOT&PF's Section 4(f) and Section 6(f) processes.

By the end of this module, you should be able to:

- Explain what the Section 4(f) statute prohibits
- Define a Section 4(f) property
- Define the key terms associated with Section 4(f) properties
- Define the term *use* as it applies to Section 4(f)
- Explain how the exceptions to the requirement for Section 4(f) approval found in 23 CFR 774.13 are applied
- Compare and contrast De minimis Impact Findings, Programmatic Section 4(f) evaluations, and Individual 4(f) evaluations
- Describe the Section 4(f) consultation process and documentation requirements for each type of Section 4(f) approval, and
- Describe Section 6(f) and other federal grant programs and associated requirements

Okay, now let's get started on the next slide by defining what the Section 4(f) statute is.



Section 4(f) Statute

Section 4(f) of the U.S. Department of Transportation Act of 1966 prohibits transportation projects from using land designated as Section 4(f) property, unless specific criteria are satisfied. Section 4(f) property includes:

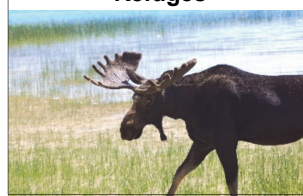
Publicly Owned Parks



Recreation Areas



Wildlife and Waterfowl Refuges



Historic and Archeological Sites



[23 Code of Federal Regulations \[CFR\] 774](#)



Not in every instance are these lands considered Section 4(f) properties.



Section 4(f) of the U.S. Department of Transportation Act of 1966 is now codified in 49 USC 303 and 23 USC 138 and is implemented by the FHWA through Title 23 of the Code of Federal Regulations Part 774.

Section 4(f) prohibits transportation projects from using land designated as Section 4(f) property, unless specific criteria are satisfied. Section 4(f) property includes:

- publicly owned parks
- recreation areas
- wildlife and waterfowl refuges, and
- certain historic sites.

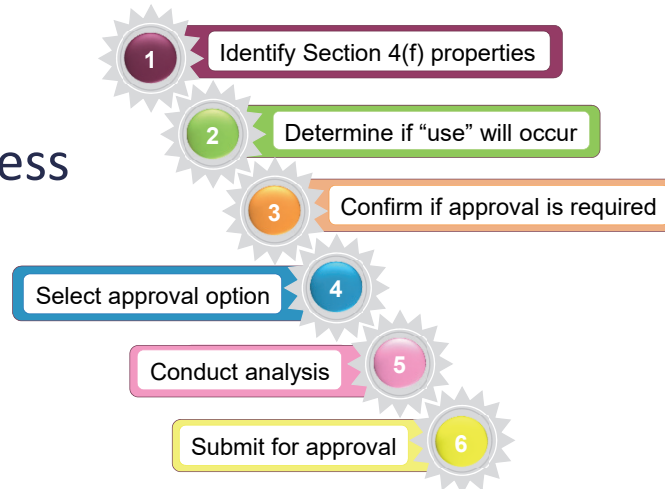
FHWA has transferred their responsibility for implementation of Section 4(f) in the state of Alaska to DOT&PF through the NEPA Assignment Program Memorandum of Understanding. The next slides will provide an overview of the Section 4(f) process and its applicability to Alaska transportation projects.



To view CFR 774 online, visit: <https://www.gpo.gov/fdsys/granule/CFR-2016-title23-vol1/CFR-2016-title23-vol1-part774/content-detail.html>



Overview of Section 4(f) Process



Federal regulations and DOT&PF procedures dictate the process by which the Section 4(f) analysis for a project occurs. This slide provides a brief overview of each step in the process; more details will follow in subsequent slides.

The first step is to identify if there is any land within or adjacent to the project area that qualifies as a Section 4(f) property. If there are no Section 4(f) properties present, this can be documented in the environmental document and project file, and no further documentation is needed.

When there is a Section 4(f) property present, then the second step is to determine if the project activities will include a Section 4(f) “use”, which we will define later. If the project will not result in use of a Section 4(f) property, then a consultation email, including any supporting documentation, is attached to the environmental document and placed in the region project file, and no further documentation is needed.

When a Section 4(f) use may occur, the third step is to determine if a Section 4(f) approval will be required. There are several exceptions to the requirement for Section 4(f) approval, which will be covered later. If an exception applies, then the requirements of Section 4(f) do not apply to the project. A consultation email and supporting documentation confirming the applicability of the exception is attached to the environmental document and placed in the region project file.

If no exceptions apply, then the fourth step is to select the type of analysis and approval that is most appropriate for the identified Section 4(f) property and use. There are three approval options: De Minimis Impact Finding, Programmatic 4(f) Evaluation, and Individual 4(f) Evaluation.

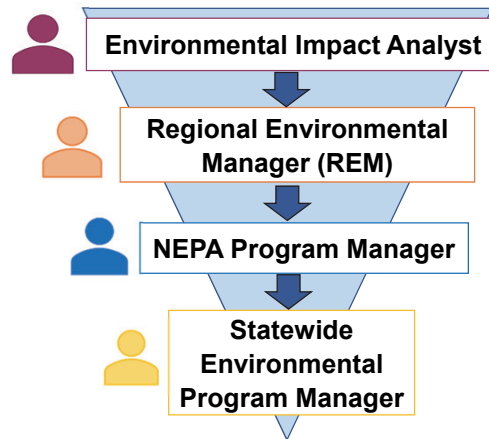
Once the approval option has been selected, the fifth step is to consult with officials with jurisdiction for the Section 4(f) property, conduct and document the Section 4(f) analysis appropriate for that approval option, and publish public notices as applicable.

Upon completion of analysis, the final step is to circulate, review, and approve the Section 4(f) documentation.

The next slide will describe the roles and responsibilities that each member of the DOT&PF team assumes throughout this process.



Section 4(f) Roles and Responsibilities



Throughout the Section 4(f) process, consultation is key to determining Section 4(f) applicability and the appropriate level of documentation and approval. Click on each member of the DOT&PF team to discover their roles and responsibilities in this process.

Environmental Impact Analyst: The Environmental Impact Analyst determines whether Section 4(f) properties are located adjacent to the project and prepares information and approval recommendations for each identified property. This information is provided to the Regional Environmental Manager, or REM, for consultation with the NEPA Program Manager.

Regional Environmental Manager (REM): The REM reviews the documentation prepared by the Environmental Impact Analyst and, when satisfied with the analysis, forwards the documentation and recommended approval to the NEPA Program Manager.

NEPA Program Manager: The NEPA Program Manager conducts a final review of the material provided by the REM and provides overall guidance. The NEPA Program Manager makes the final determinations of whether there are any Section 4(f) properties present, and whether a Section 4(f) use will occur. If a *de minimis* impact finding or Programmatic Section 4(f) Evaluation is required, then the NEPA Program Manager is responsible for reviewing and approving that Section 4(f) documentation as well.

Statewide Environmental Program Manager: The Statewide Environmental Program Manager is responsible for approving Individual Section 4(f) Evaluations.

Now we will begin with the first step in the Section 4(f) process, determining what characterizes a Section 4(f) property.



Identification of Section 4(f) Properties

Publicly Owned Parks



Recreation Areas



Wildlife and Waterfowl Refuges



Section 4(f) protections apply if:

- ✓ Publicly owned
- ✓ Generally open to the public
- ✓ Significant as determined by the Officials with Jurisdiction (OWJs)

Historic and Archeological Sites



Section 4(f) protections apply if:

- ✓ Significant as determined by the Section 106 process



DOT&PF is responsible for determining whether Section 4(f) applies to a property that is in, or adjacent to, the project area.

Section 4(f) protections apply to a park, recreation area, waterfowl refuge, or wildlife refuge if the property is:

- publicly owned, meaning a governmental body has a sufficient proprietary interest in the land;
- generally open to the public, with the exception of refuges which don't always need to be open to the public if closure is necessary to protect wildlife; and finally,
- significant as determined by the Officials with Jurisdiction, or OWJs. In the case of public parks, recreation areas, and wildlife and waterfowl refuges, the OWJs are the officials of the agency or agencies that own or administer the property in question.

Section 4(f) protections apply to historic and archeological sites if the property is:

- significant as determined by the Section 106 process. The Section 106 process is completed in coordination with the Section 4(f) process and identifies any significant historic and archeological properties within or adjacent to the project area. Section 4(f) applies to all historic sites that are listed, or eligible for inclusion, in the National Register of Historic Places (NRHP). In the case of historic and archeological sites, possible OWJs include: the State or Tribal Historic Preservation Officer, the Advisory Council on Historic Preservation, federal land managing agencies, and the Department of the Interior. If a Section 4(f) property has been identified within or adjacent to the project area, then the next step is to determine whether the project activities will include a "use" of the Section 4(f) property.



Defining “Use” of a Section 4(f) Property

A “use” of Section 4(f) property occurs when:

 [23 CFR 774.13 \(d\)](#)
[23 CFR 774.15](#)

- 1 Land is *permanently incorporated* into a transportation facility;
- 2 There is a *temporary occupancy* of land that is adverse in terms of the statute’s preservation purpose. It is only considered NOT adverse if all the following conditions apply:
 - Duration is less than the time needed for construction of the project
 - No change in ownership of land
 - Scope of work is minor
 - No anticipated permanent, adverse physical impacts
 - No interference (even temporary) with protected activities, features, or attributes of the property
 - Used land is fully restored to existing condition prior to project
 - OWJ agrees in writing the with above conditions; or,
- 3 There is a *Constructive Use* of a Section 4(f) property



A “use” of a Section 4(f) property occurs under three circumstances:

One: when land is *permanently incorporated* into a transportation facility;

Two: When there is a *temporary occupancy* of land that is adverse in terms of the statute’s preservation purpose. The temporary occupancy is NOT considered adverse if all the following conditions apply, as outlined in 23 CFR 774.13 (d):

- Duration is less than the time needed for construction of the project
- There’s no change in ownership of the land
- The scope of work is minor
- There’s no anticipated permanent, adverse physical impacts
- There’s no interference (even temporary) with protected activities, features, or attributes of the property
- Any used land is fully restored to its existing condition prior to the project; and
- The OWJ agrees in writing with all the conditions listed above in relation to the Section 4(f) property. This agreement must be documented.

Lastly, the third circumstance in which a “use” of a Section 4(f) property occurs is when there is a *Constructive Use* of a Section 4(f) property. A constructive use occurs when a transportation project does not incorporate land from a Section 4(f) property, but the project’s proximity impacts are so severe that the activities, features, or attributes of the property are substantially impaired. For example, if a project would increase noise levels to the point where it would substantially interfere with the use and enjoyment of a noise-sensitive facility of a Section 4(f) property, such as an outdoor amphitheater or the sleeping area of a campground, then this would be considered a constructive use. This kind of finding is quite rare and

requires consultation between the NEPA Program Manager and the Federal Highway Administration. Constructive use determinations are described in 23 CFR 774.15.

If any one of these circumstances occur, the next step is to determine if a Section 4(f) approval will be required.

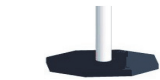


To view 23 CFR 774.13(d) online, visit: <https://www.gpo.gov/fdsys/pkg/CFR-2017-title23-vol1/pdf/CFR-2017-title23-vol1-sec774-13.pdf>

To view 23 CFR 774.15 online, visit: <https://www.gpo.gov/fdsys/pkg/CFR-2017-title23-vol1/pdf/CFR-2017-title23-vol1-sec774-15.pdf>



Exceptions to Section 4(f) Approval Requirement



Transportation enhancement or restoration projects



Archeological sites on the National Register with minimal value for preservation in place



Rehabilitation or maintenance of historic transportation facilities



Recreational or historic trails, paths, bikeways, and sidewalks



[23 CFR 774.13](https://www.law.cornell.edu/cfr/text/23/774.13)



There are several exceptions to the requirement for Section 4(f) approval. They can all be found under Title 23 of the Code of Federal Regulations Part 774 Section 13. Please view 23 CFR 774.13 online at <https://www.law.cornell.edu/cfr/text/23/774.13> for the full conditions of each exception. Shown on the slide are some commonly used categories of exceptions; refer to the regulations for other exceptions not discussed.

The first type of exception shown here is for transportation projects where the use of the Section 4(f) property is solely to enhance, restore, or preserve an activity, feature, or attribute that qualifies the property for Section 4(f) protection. Such work should not adversely affect the Section 4(f) qualities of the property in any way.

The second example shown is for archeological sites that are on, or eligible, for listing on the National Register, but for which it is found that the archeological resource is important chiefly because of what can be learned by data recovery and has minimal value for preservation in place.

The third type of exception shown is for rehabilitation or maintenance of transportation facilities that are on or eligible for the National Register when DOT&PF concludes that such work will not adversely affect the historic qualities of the facility that caused it to be on or eligible for the National Register.

The fourth example shown is for certain recreational and historic trails, paths, bikeways, and sidewalks that are associated with the Recreational Trails Program and National Trails System Act, or play a key part in the local transportation system.

If none of the exceptions listed in 23 CFR 774.13 apply, then the next step is to determine what type of analysis and approval is appropriate for the continuation of the Section 4(f) process. However, before we discuss the different types of analysis and approval, we should first define “reasonable and prudent avoidance alternatives” that avoid use of a Section 4(f) property, and how to determine which of the project alternatives would cause the least overall harm to Section 4(f) properties.



Steps to Identifying “Feasible and Prudent Avoidance Alternatives”

Feasible and Prudent Avoidance Alternatives are those that avoid using any Section 4(f) property and do not cause other severe problems of a magnitude that substantially outweigh the importance of protecting the Section 4(f) property.



[23 CFR 774.17](#)

Identify Avoidance Alternatives

- Location Alternatives
- Alternative Actions
- Alignment Shifts
- Design Changes

Are they feasible?

An alternative is NOT feasible if it cannot be built as a matter of sound engineering judgment.

Are they prudent?

An alternative is NOT prudent if it results in severe impacts to:

- Safety or operational standards
- Social or economic resources
- Established communities
- Minority or low-income populations
- Environmental resources, especially those protected under other Federal statutes



Feasible and Prudent Avoidance Alternatives are those that avoid using any Section 4(f) property and do not cause other severe problems of a magnitude that substantially outweigh the importance of protecting the Section 4(f) property. Feasible and prudent avoidance alternatives must be considered except when a use is considered de minimis, which will be discussed later. Now let's walk through the steps of identifying feasible and prudent avoidance alternatives.

The first step is to identify any potential avoidance alternatives, which may include one or more of the following:

- Re-routing the entire project along a different alignment,
- Finding another action or mode of transportation,
- Rerouting a portion of the project to a different alignment to avoid a specific resource, or
- Changing the proposed design in a manner that would avoid impacts

Once the potential avoidance alternative(s) have been identified, then it is necessary to determine whether avoiding the Section 4(f) property is feasible and prudent for each potential avoidance alternative.

An alternative is not feasible if it cannot be built as a matter of sound engineering judgment.

An alternative is not prudent if it compromises the project so that it is unreasonable given the purpose and the need, or it results in severe impacts to any of the populations, resources, or standards listed on this slide.



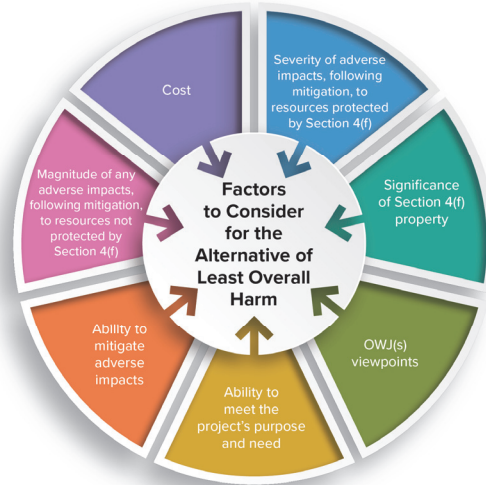
For a full list of conditions that might make an alternative not prudent, please visit 23 CFR 774.17 online at <https://www.law.cornell.edu/cfr/text/23/774.17>.

If there is no feasible and prudent avoidance alternative, and there is more than one build alternative under consideration, and all of those alternatives use Section 4(f) property, then DOT&PF may only approve the alternative that causes the least overall harm and includes all possible planning to minimize harm to Section 4(f) property. We will discuss how DOT&PF determines the least harmful alternative on the next screen.



“Alternative with Least Overall Harm” and “All Possible Planning”

All possible planning – DOT&PF is required to perform all reasonable measures identified in the Section 4(f) evaluation to minimize harm or mitigate for adverse impacts and effects



To determine which of the alternatives would cause the least overall harm, seven factors must be considered:

- The ability to mitigate adverse impacts to Section 4(f) property,
- The relative severity of the remaining harm, after mitigation, to the protected activities, attributes, or features that qualify each Section 4(f) property for protection,
- The magnitude of any adverse impacts, following mitigation, to resources not protected by Section 4(f),
- The relative significance of each Section 4(f) property,
- The views of the OWJ(s) over each Section 4(f) property,
- The ability to meet the project's purpose and need, and
- Substantial differences in costs among the alternatives.

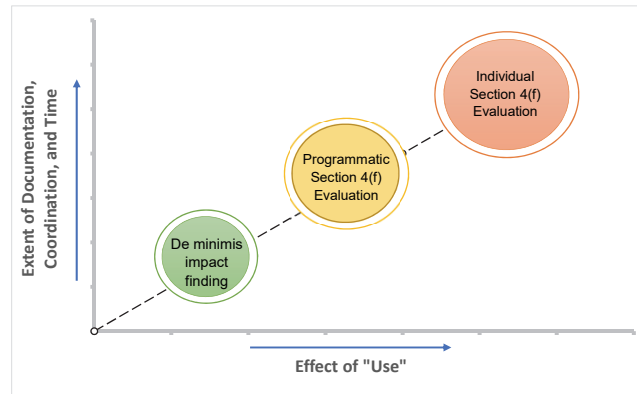
The least overall harm analysis is required when multiple alternatives that use Section 4(f) property remain under consideration.

However, the approval processes for any Section 4(f) approval requires the consideration and documentation of all possible planning to minimize harm to Section 4(f) property. All possible planning means that DOT&PF is required to perform all reasonable measures identified in the Section 4(f) evaluation to minimize harm or mitigate for adverse impacts and effects.

Now that you understand the concepts of feasible and prudent avoidance alternatives, least overall harm analysis and all possible planning to minimize harm, it's time to discuss how these are incorporated into the three types of Section 4(f) approvals.



Section 4(f) Approval



When use of a Section 4(f) property is anticipated, every effort should be made to avoid or minimize that use. The extent of analysis, documentation, coordination, and time required for the use of a Section 4(f) property is commensurate with the effect of the use. The next few slides address the process and documentation for the various use approval options. The three options are:

- de minimis impact finding,
- Programmatic 4(f) Evaluation, and
- Individual 4(f) Evaluation

Starting with the least intensive approval option, let's go over the approval process and documentation associated with a de minimis impact finding.

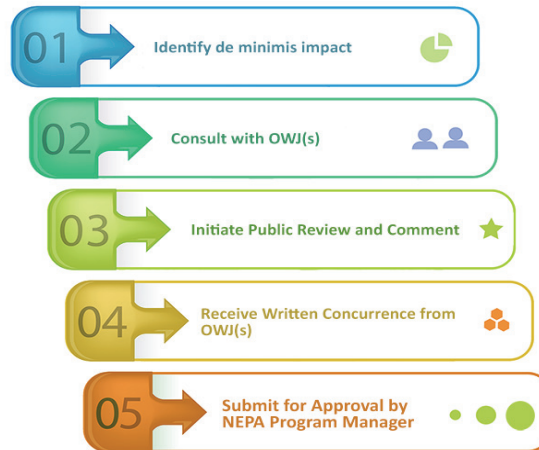


De Minimis Impact Finding

De minimis impact: The determination that the project will not adversely affect the features, attributes, or activities qualifying the property for protection under Section 4(f)



[23 CFR 774.5\(b\)](#)



A de minimis impact finding occurs when it is determined that the project will not adversely affect the features, attributes, or activities qualifying the property for protection under Section 4(f), and is made based on the net impact of the Section 4(f) property, including consideration of avoidance, minimization, mitigation or enhancement measures. An evaluation of feasible and prudent avoidance alternatives is not required. The final finding must include sufficient documentation for any avoidance, minimization, mitigation or enhancement measures to ensure all possible planning to minimize harm has occurred. On the slide are the steps to completing a de minimis impact finding. Let's walk through the process.

The first step is to determine whether the project's impacts may have a de minimis impact on the Section 4(f) property. All activities, features, and attributes of the Section 4(f) resource must be considered when identifying de minimis impacts. Remember to consult with the NEPA Program Manager to document their agreement with this approach before proceeding to the next steps.

The second step is to contact any OWJs to determine whether there is agreement regarding the project's effects on the property, and make them aware of DOT&PF's intent to make a de minimis impact finding. For parks, recreation areas, waterfowl refuges, or wildlife refuges, the OWJ must agree in writing that the project will not adversely affect the activities, attributes, or features of the property to move forward with a de minimis impact finding. For historic properties, the SHPO or THPO have to concur with either a finding of "no historic properties affected" or "no adverse effect" to move forward with a de minimis impact finding.

The third step is to initiate a public review and comment period. A separate public review period is only required for parks, recreation areas, waterfowl refuges, or wildlife refuges; for historic properties, this is done through the Section 106 process. When needed, the REM prepares and issues a public notice upon approval from the NEPA Program Manager. The review and comment period for a proposed de minimis impact findings notice must be at least a two weeks long. For further details on the requirements of these outreach efforts, please view 23 CFR 774.5(b) online at: <https://www.law.cornell.edu/cfr/text/23/774.5>



The fourth step is to receive written concurrence from any OWJs after the public notice period has ended. The region prepares the required de minimis documentation for the NEPA Program Manager to review prior to requesting written concurrence from the OWJ. The OWJ must agree that the project will not adversely affect the activities, features, or attributes of the property and acknowledge that they were aware of DOT&PF's intent to make a de minimis impact finding.

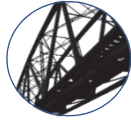
The last step is approval by the NEPA Program Manager. The completed Section 4(f) de minimis impact finding form and supporting documentation are signed by the REM and then submitted to the NEPA Program Manager for approval. This is only done once the public notice period is complete and the OWJ has concurred in writing.

On the following slide we will dive into the second type of approval: the Programmatic 4(f) Evaluation.



Programmatic 4(f) Evaluation

Nationwide Programmatic Section 4(f) Evaluations cover the following types of projects:



FHWA projects that necessitate the use of historic bridges



Independent bikeway or walkway construction projects



Transportation projects that have a net benefit to a Section 4(f) property



Federally-aided highway projects with minor involvements in a Section 4(f) property



Programmatic 4(f) Evaluations also require consideration of feasible and prudent avoidance alternatives, and all possible planning to minimize harm



[Nationwide Programmatic 4\(f\) Evaluation Forms](#)



A Programmatic Section 4(f) Evaluation is a time-saving procedural alternative to preparing an Individual Section 4(f) Evaluation. Like de minimis, Programmatic Evaluations cover minor uses of a Section 4(f) property, but can only be used under certain circumstances as outlined on the slide. The forms for these evaluations can be found at the resource on the bottom of the slide. The Nationwide Programmatic Section 4(f) Evaluations cover the following types of projects:

- FHWA projects that necessitate the use of historic bridges,
- Independent bikeway or walkway construction projects,
- Transportation projects that have a net benefit to a Section 4(f) property, and
- Federally-aided highway projects with minor involvements in a Section 4(f) property, which there are two different programmatic evaluations for – one for parks, recreation areas, waterfowl refuges, and wildlife refuges, and one for historic properties.

These Programmatic Section 4(f) Evaluations apply only to projects meeting the applicability criteria stipulated in each programmatic evaluation and must explicitly document the basis for determining that the project meets the applicability criteria. A Programmatic Section 4(f) Evaluation requires consideration of “feasible and prudent avoidance alternatives” and “all possible planning” to minimize harm. The Programmatic Evaluations standardize and simplify the evaluation of avoidance alternatives by defining the types of avoidance alternatives that must be considered. Even though the alternatives are specified, there still must be sufficient documentation to show the avoidance alternatives are not truly feasible and prudent under the circumstances. The selected alternative must incorporate

all possible planning to minimize harm, and may require an assessment of the alternative with least overall harm where there are multiple build alternatives being considered, this would be a rare instance in Alaska.



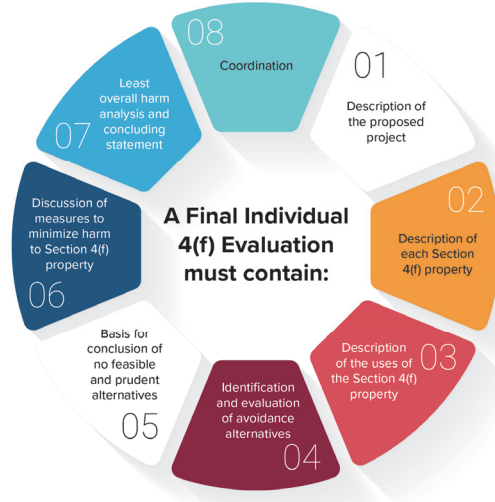
To view the Nationwide Programmatic 4(f) Evaluation Forms online, visit:
<http://www.dot.state.ak.us/stwddes/desenviron/resources/section4f.shtml>



Individual 4(f) Evaluation



Individual 4(f) Evaluations must be reviewed for legal sufficiency prior to submittal to the Statewide Environmental Program Manager for approval.



When it has been determined that the proposed Section 4(f) property use is not de minimis and does not comply with the Programmatic Evaluations, then an Individual Section 4(f) Evaluation must be completed. An Individual Section 4(f) Evaluation involves the development of both a draft and a final evaluation. An Individual 4(f) Evaluation must contain all the components listed on the slide.

First, there must be a description of the proposed project, including an explanation of the proposed project's purpose and need.

Second, it must include a full description of each Section 4(f) property that would be used by any of the alternatives under consideration.

Third, the evaluation needs a description of the uses of the Section 4(f) property or properties by any alternative under consideration. In this section it is important to discuss the degree of use, including whether any of the property's activities, facilities, or attributes are affected and how.

Fourth, it is required to identify and evaluate any potential avoidance alternatives. Each avoidance alternative should be evaluated to determine feasibility and prudence.

Fifth, the evaluation must include the basis for concluding that there are no feasible and prudent alternatives to using a Section 4(f) property. If no feasible and prudent avoidance alternatives exist, the required documentation depends on the number of alternatives remaining that still use Section 4(f) property. If only one alternative that uses a Section 4(f) property remains under consideration, then all possible

planning to minimize harm must be documented. If two or more alternatives that both use Section 4(f) properties remain under consideration, then a least overall harm analysis and all possible planning to minimize harm must be documented.

The sixth component is the discussion of measures to minimize harm to Section 4(f) property. This is the section of the evaluation that discusses all possible planning for measures that minimize adverse impacts on the property.

The seventh component to the evaluation is a least overall harm analysis and concluding statement, if two or more alternatives that use Section 4(f) property remain. The concluding statement should describe the basis for concluding that the proposed action includes all possible planning to minimize harm to the Section 4(f) property.

Lastly, the evaluation needs to include the documentation for any coordination with the OWJ(s), U.S. Department of Interior, and as appropriate, the U.S. Department of Agriculture and the U.S. Department of Housing and Urban Development.

Once the final document is complete, it must be reviewed for legal sufficiency prior to being approved by the Statewide Environmental Program Manager.



Section 6(f) and Other Federal Grant Programs

Section 6(f) - Land and Water Conservation Fund (LWCF) Act

- Applicable when the proposed action affects publicly owned parks and recreational land
- Requires coordination between the National Park Service (NPS), Alaska Department of Parks and Outdoor Recreation (DPOR), and DOT&PF
- Involves identification of replacement property of equal value, location, and usefulness



Other Federal Grant Programs

- Section 4(f) requires consideration of other federal grant programs with stipulations related to converting property to a different use
- Examples:
 - Federal Aid in Wildlife Restoration Act
 - Federal Aid in Sport Fish Restoration Act



[36 CFR 59.3](#)



The Land and Water Conservation Fund Act, or LWCF Act, was enacted to establish a funding source to assist the states and federal agencies in meeting present and future outdoor recreation demands and needs. The LWCF Act is administered by the National Park Service, or NPS, which then delegates many of the roles and responsibilities to the Alaska Department of Parks and Outdoor Recreation, or DPOR.

Early in project development, if there is park or recreational land in the project area, the Environmental Impact Analyst consults with the DPOR Grants Administrator to inquire about the presence of Section 6(f) property. When such property exists, then the next step is to determine whether Land and Water Conservation funds were used to purchase all or part of the property or to make improvements to the property. If so, Section 6(f) requirements may apply to any use of the property.

During the preliminary design and environmental phase, the REM consults with the Grants Administrator of the Section 6(f) property to identify replacement property of equal value, location, and usefulness. DOT&PF then prepares a land replacement plan demonstrating that the Section 6(f) replacement property is acceptable to the land manager and meets nine prerequisites in regulations provided in 36 CFR 59.3,

which you can view online at: https://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title36/36cfr59_main_02.tpl



Lands acquired and/or developed with LWCF funds are generally public parks or recreation areas, and therefore, are both Section 4(f) properties and subject to the requirements of Section 6(f).

Under Section 4(f), and regardless of whether the proposed action is federally funded, DOT&PF is also required to coordinate with any other federal agencies that have federal grant programs with their own set of requirements relating to converting property to a different use. Examples of these other federal grant programs include: the Federal Aid in Wildlife Restoration Act and the Federal Aid in Sport Fish Restoration Act.



Module Review

Module 8: What You've Learned...



- Prohibitions of the Section 4(f) statute
- The definition of a Section 4(f) property
- Key terms associated with Section 4(f) properties
- The definition of the term *use* as it applies to Section 4(f)
- Exceptions to the requirement for Section 4(f) approval found in 23 CFR 774.13
- The three types of Section 4(f) approval: De Minimis Impact Findings, Programmatic Section 4(f) evaluations, and Individual 4(f) evaluations
- The Section 4(f) consultation process and documentation requirements for each type of Section 4(f) approval
- Section 6(f) and other federal grant programs and associated requirements



This concludes Module 8 of DOT&PF's Environmental Procedures Manual Training Program.

We'll now take the module quiz to complete the requirements for this training course.